

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

ORDER NO. R5-2005-____

REQUIRING THE UNITED AUBURN INDIAN COMMUNITY
AUBURN RANCHERIA CASINO
WASTEWATER TREATMENT PLANT
TO CEASE AND DESIST

FROM DISCHARGING CONTRARY TO REQUIREMENTS

The California Regional Water Quality Control Board, Central Valley Region (hereafter referred to as Regional Board), finds:

1. On _____ 2005, the Regional Board adopted Waste Discharge Requirements Order No. R5-2005-____, for the United Auburn Indian Community's Auburn Rancheria Casino Wastewater Treatment Plant (hereafter Discharger). Waste Discharge Requirements Order No. R5-2005-____ regulates the discharge of 0.35 million gallons per day (mgd) of treated domestic wastewater to an unnamed tributary to Orchard Creek, Orchard Creek, Auburn Ravine, the East Side Canal, the Cross Canal, and the Sacramento River.
2. Waste Discharge Requirements Order No. R5-2005-____, includes Effluent Limitations for aluminum, atrazine, boron, fluoride, methylene blue active substances (MBAS), nitrate, electrical conductivity, sulfate, arsenic, total trihalomethanes, persistent chlorinated hydrocarbon pesticides, and ammonia as contained in Sections C.1, which read in part as follows:

"1. Effluent from the wastewater treatment plant shall not exceed the following limits:

<u>Constituents</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Daily Average</u>
Persistent Chlorinated Hydrocarbon Pesticides	µg/l	---	ND	---
Aluminum	µg/l	71	---	143
	lbs/day ²	0.21	---	0.42
Atrazine	µg/l	1.0	---	---
	lbs/day ²	0.003	---	---
Boron	µg/l	700	---	---
	lbs/day ²	2.0	---	---

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<u>Constituents</u>	<u>Units</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>	<u>Daily Average</u>	<u>One-hour Average</u>
Fluoride	µg/l	1,000	---	---	---
	lbs/day	2.9	---	---	---
Methylene Blue Active Substances (MBAS)	µg/l	500	---	---	---
	lbs/day	1.5	---	---	---
Nitrate (as N)	µg/l	10,000	---	---	---
	lbs/day	29	---	---	---
Sulfate	µg/l	250,000	---	---	---
	lbs/day	730	---	---	---
Arsenic	µg/l	10	---	---	---
	lbs/day	0.03	---	---	---
Total Trihalomethanes	µg/l	80	---	---	---
	lbs/day	0.23	---	---	---
Electrical Conductivity (EC)	µmhos/cm	700	---	---	---
Ammonia	mg/l	0.42	---	---	3.5
	lbs/day	1.2	---	---	10.2

3. Based on sampling submitted by the Discharger, the discharge currently cannot consistently comply with the Effluent Limitations for aluminum, atrazine, boron, fluoride, methylene blue active substances (MBAS), nitrate, electrical conductivity, sulfate, arsenic, total trihalomethanes, persistent chlorinated hydrocarbon pesticides, and ammonia contained in the Waste Discharge Requirements Order No. R5-2005-____.

All maximum detected effluent sampling results for aluminum, atrazine, boron, fluoride, methylene blue active substances (MBAS), nitrate, electrical conductivity, sulfate, arsenic, total trihalomethanes/chloroform, and ammonia, calculated projected Maximum Effluent Concentrations (MEC), and controlling water quality criteria for the receiving water for are summarized in the table below:

Constituents	Maximum Detected Concentration (µg/l)	Controlling Water Quality Criteria (µg/l)	Projected MEC (µg/l)
Aluminum	32	Basin Plan narrative toxicity objective and U.S.EPA Ambient Water Quality Freshwater Aquatic Life Criteria	237
Atrazine	0.83	Basin Plan chemical constituent objective and Primary MCL	6.1
Boron	3,500	Agricultural Goal	25,900

Constituents	Maximum Detected Concentration (µg/l)	Controlling Water Quality Criteria (µg/l)	Projected MEC (µg/l)
Fluoride	520	Agricultural Goal	3,848
MBAS	72	Basin Plan chemical constituent objective and Secondary MCL	533
Nitrate (as N)	16,000	Basin Plan narrative objective and Primary MCL	16,000
Sulfate	70,000	Basin Plan chemical constituent objective and Secondary MCL	518,000
Arsenic	3	Basin Plan chemical constituent objective and Primary MCL	22.2
Electrical Conductivity	6,900	Agricultural Goal	N/A
Chloroform	16	Basin Plan chemical constituent objective and Primary MCL	118
Ammonia	19,000	Basin Plan narrative toxicity objective and U.S.EPA Ambient Water Quality Freshwater Aquatic Life Criteria	N/A

4. Based on the above Findings, this discharge represents a threatened discharge of waste in violation of the Effluent Limitations for aluminum, atrazine, boron, fluoride, methylene blue active substances (MBAS), nitrate, electrical conductivity, sulfate, arsenic, total trihalomethanes, persistent chlorinated hydrocarbon pesticides, and ammonia included in Waste Discharge Requirements Order No. R5-2005-____.
5. In accordance with California Water Code (CWC) Section 13385 (j)(3), the Regional Board finds that, based upon the current condition of the wastewater treatment plant, the Discharger is not able to consistently comply with aluminum, atrazine, boron, fluoride, methylene blue active substances (MBAS), nitrate, electrical conductivity, sulfate, arsenic, total trihalomethanes, persistent chlorinated hydrocarbon pesticides, and ammonia limitations. The aluminum, atrazine, boron, fluoride, methylene blue active substances (MBAS), electrical conductivity, sulfate, arsenic, total trihalomethanes, and persistent chlorinated hydrocarbon pesticides Effluent Limitations are new requirements that become applicable to the permit after the effective date of adoption of the waste discharge requirements, and after 1 July 2000, for which new or modified control measures are necessary in order to comply with the limitation, and the new or modified control measures cannot be designed, installed, and put into operation within 30 calendar days.

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Source control and treatment actions can be taken to correct the violations that would otherwise be subject to mandatory penalties under California Water Code section 13385(h) and (i), and the Discharger can take reasonable measures to achieve compliance within five (5) years from the date the waste discharge requirements were required to be reviewed pursuant to Section 13380.

California Water Code (CWC) Section 13385 (j)(3) requires the Discharger to prepare and implement a pollution prevention plan pursuant to Section 13263.3 of the California Water Code. A pollution prevention plan addresses only those constituents that can be effectively reduced by source control measures. Aluminum, atrazine, boron, fluoride, methylene blue active substances (MBAS), nitrate, electrical conductivity, sulfate, arsenic, total trihalomethanes, persistent chlorinated hydrocarbon pesticides, and ammonia can be reduced significantly through source control measures.

Compliance with this Order exempts the Discharger from mandatory minimum penalties for violations of nitrate and ammonia limitations from adoption to 16 March 2006 and aluminum, atrazine, boron, fluoride, methylene blue active substances (MBAS), electrical conductivity, sulfate, arsenic, total trihalomethanes, and persistent chlorinated hydrocarbon pesticides limitations through 1 February 2008, in accordance with California Water Code (CWC) Section 13385 (j)(3).

6. On _____, in Rancho Cordova, California, after due notice to the Discharger and all other affected persons, the Regional Board conducted a public hearing at which evidence was received to consider a Cease and Desist Order to establish a time schedule to achieve compliance with waste discharge requirements.
7. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000, et seq.), in accordance with Section 15321 (a)(2), Title 14, California Code of Regulations.
8. Any person adversely affected by this action of the Regional Board may petition the State CA 95812-0100, within 30 days of the date in which the action was taken. Copies of the law and regulations applicable to filing petitions will be provided on request.

IT IS HEREBY ORDERED that:

1. The United Auburn Indian Community shall cease and desist from discharging, and threatening to discharge, contrary to Waste Discharge Requirements Order No. R5-2005-____ Effluent Limitation No.1 for aluminum, atrazine, boron, fluoride, methylene blue active substances (MBAS), nitrate, electrical conductivity, sulfate, arsenic, total trihalomethanes, persistent chlorinated hydrocarbon pesticides, and ammonia.

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2. The United Auburn Indian Community shall comply with the following time schedule to assure compliance with aluminum, atrazine, boron, fluoride, methylene blue active substances (MBAS), nitrate, electrical conductivity, sulfate, arsenic, total trihalomethanes, persistent chlorinated hydrocarbon pesticides, and ammonia Effluent Limitations contained in Waste Discharge Requirements Order No. R5-2005-____ as described in the above Findings:

<u>Task</u>	<u>Compliance Date</u>
Submit a Workplan to Achieve Compliance ¹	1 September 2005
Submit Progress Report ²	1 December, annually
Pollution Prevention Plan	1 February 2006
Achieve Full Compliance with Ammonia and Nitrate Effluent Limitations	16 March 2006
Achieve Full Compliance ³	11 March 2008

¹ The Workplan shall include the Implementation Schedule to achieve compliance with waste discharge requirements.

² The Progress Report shall detail what steps have been implemented towards achieving compliance with waste discharge requirements, including construction progress, evaluate the effectiveness of the implemented measures and assess whether additional measures are necessary to meet the time schedule.

³ The Discharger shall achieve full compliance with Effluent Limitations for aluminum, atrazine, boron, fluoride, methylene blue active substances (MBAS), electrical conductivity, sulfate, arsenic, total trihalomethanes, and persistent chlorinated hydrocarbon pesticides by 11 March 2008.

3. If, in the opinion of the Executive Officer, the Discharger fails to comply with the provisions of this Order, the Executive Officer may apply to the Attorney General for judicial enforcement or issue a complaint for Administrative Civil Liability.

I, THOMAS R. PINKOS, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Central Valley Region, on _____.

THOMAS R. PINKOS, Executive Officer